FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE.

CRIMINAL APPLICATION NO. 5955 OF 2005

Office Notes, Office Memorada orders or directions and Registrar's orders.	Court's or Judge's Orders.
	Smt. V.R.Bhosale APP for the appellant. Smt. P.P.Kakade for Respondent.

CORAM; V.G.PALSHIKAR Acg.C.J.&
SMT.NISHITA MHATRE,J.

DTAED: 21ST AUGUST, 2006.

P.C.

1. By this application, the State seeks to challenge the order dated 8th April 2005 passed by 1st Ad-hoc Addl.Sessions Judge, Pandharpur, acquitting all the ten respondent - accused persons for offences punishable under sections 143, 147, 148, 149, 302, 324, 323, 504, 506 of Indian Penal Code.

2. Admittedly there was enimity between the deceased party and the accused persons. The trial

Judge has appreciated the evidence on record. He has discussed the evidence of P.w. 6 and P.w.9 who, according to the prosecution, were eye witnesses and has rejected their evidence on the ground that there were material contradictions in the evidence of both the witnesses.

3. The prosecution has not established that the finger print found on the axe, were that of the accused persons. Such evidence would have been decisive when there was contradictory statement by the eye witnesses. In such circumstances, the appreciation of the learned trial Judge cannot be faulted with. We therefore see no reason to interfere. Application is therefore dismissed.

...